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Title 46

PROFFESIONAL AND OCCUPATIONAL STANDARDS

Part XL. Home Inspectors

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Title 46
PROFFESIONAL AND OCCUPATIONAL STANDARDS
Part XL. Home Inspectors

Chapter 1. General Rules

§101. Adoption of Rules

A. This administrative code (rules of the board) and all revisions and additions to these rules shall be adopted in accordance with R.S. 49:950 et seq., the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1474 and R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2738 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1686 (August 2004).

§103. Board Appointment; Qualifications; Domicile; Meetings; Quorum; Service of Process; Publication

A. The board shall be composed of one member from each congressional district and appointed by the governor. Future board members will be appointed for a six-year term. board members may serve only one full six-year term. Each member of the board shall be a United States citizen and a resident of the state, and shall have been actively engaged in the home inspection business on a full-time basis for one year preceding the appointment. The initial board members are required to obtain a license in accordance with the provisions of this Chapter. Thereafter, each member of the board shall be a licensed home inspector. board members are to be confirmed by the Senate. The board shall be domiciled in Baton Rouge, but may meet in other locations as determined by the board. A majority of the board members shall constitute a quorum of the board for all purposes, including the issuance of licenses and the rulemaking and adjudicative functions of the board.

B. The board chairman shall be the initial agent for service of process. The board shall register the name and address of its agent for service of process as required by law.

C. The board shall publish quarterly a bulletin which shall be the official journal of the board. This bulletin shall contain notice of all applications filed, board agendas, minutes of open meetings, request for declaratory relief, and generally serve as the board's form notice to licensees and the public. All licensees shall receive the bulletin free of charge. Others may subscribe to the bulleting. Until such time as the board begins bulletin publication, notice of board meetings shall be published in the official state journal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1474-1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2738 (December 2000).

§105. Officers; Election; Secretary-Treasurer; Chief Operating Officer; Board Staff; Duties

A. Officers shall be elected by the board at the last meeting of the preceding year, shall serve a term of one year and may be reelected for additional terms. Officers may be reelected for additional terms. The board shall elect a chairman and a vice chairman.

B. The board shall employ a secretary-treasurer who shall not be a member of the board to serve as the chief operating officer (COO) of the board. The COO shall employ other staff as reasonably necessary with approval of the board, and subject to budgetary limitations. In the absence of a contrary board pronouncement, the COO shall serve as the board's appointing authority.

1. The COO shall be the custodian of all documents, filings and records of the board, and may issue process in the board's name.

2. The COO shall be responsible for the day to day operations of the board office and shall prepare and submit a budget for the board's consideration and approval.

3. The COO may have other duties and responsibilities as conferred by the board.

4. The board shall fix the COO's compensation.

C. Until such time a the board employs a secretary-treasurer who serves as the COO, the chairman shall be responsible for the competent discharge of all administrative and related board functions. The chairman shall preside at all meetings, approve the agenda and shall be the official custodian of all records, until such time as a COO is employed.

D. The board shall be represented by the attorney generals office. In lieu of available representation from the attorney general, the board may retain qualified counsel of its choice as according to law and at fees no higher than the schedule provided by the attorney general for special assistant attorneys general. An attorney is qualified if a reasonable portion of their practice and experience is obtained from or devoted to administrative agency practice and procedure or civil litigation. In the event the board needs counsel on a specific area of expertise, an attorney may be retained for that purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2738 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1686 (August 2004).

§107. Meetings

A. All meetings shall be held in accordance with the Louisiana Open Meetings Law. Unless otherwise designated, all meetings shall be held at the board's domicile in Baton Rouge.

B. The place, date and time of quarterly meetings are to be published in the official state journal at the beginning of each calendar year.

C. Special meetings shall be held at least two weeks after notification is given to each board member and after 24-hours notice is given to the public. Special meeting agendas are to be posted at the meeting site at least 24 hours prior to the meeting.

D. Notices of all meetings and agendas shall be provided to all persons requesting notice in the same manner as provided to board members.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1474-1475, and R.S. 42:7.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2739 (December 2000).

§109. Definitions

Applicant—a person who seeks to be examined for licensure by the board.

Board—the Louisiana State Board of Home Inspectors.

Code—the Louisiana Home Inspectors Licensing Administrative Code, promulgated in LAC 46:XL.

Component—a readily accessible and observable aspect of a system, such as a floor or wall, but not individual pieces such as boards or nails or where many similar pieces make up a component.

Credit Hour—one continuing education course classroom hour, comprising at least 50 minutes of instruction.

Home Inspection—the process by which a home inspector visually examines the readily accessible systems and components of a home and describes those systems and components in accordance with the Standards of Practice.

Home Inspection Report—a written evaluation of two or more of the following systems of a resale residential building:

1. electrical system;
2. exterior system;
3. interior system;
4. heating and cooling system;
5. plumbing system;
6. roofing system;
7. structural system;
8. insulation and ventilation system;
9. appliance system;
10. any other related residential housing system as defined in the standards of practice prescribed by the board.

Home Inspector—any person who, in accordance with the provisions of these rules, holds himself out to the general public and engages in the business of performing home inspections on resale residential buildings for compensation and who examines any component of a building, through visual means and through normal user controls, without the use of mathematical sciences.

Inspection—to examine readily accessible systems and components of a building in accordance with the board's Standards of Practice, by using normal operating controls and by opening readily accessible panels.

Law—the Louisiana Home Inspector Licensing Law, R.S. 37:1471-1489.

License Period—one year, expiring on the last day of the month of issuance of the preceding year.

Licensee—any person who has been issued a license by the board in accordance with the provisions of the law and these Rules.

LSBHI—an acronym for the Louisiana State Board of Home Inspectors.

Resale Residential Building—a structure intended to be or that is used as a residence and consists of four or less living units, excluding commercial use space or units, which is not for sale for the first time.

Rules—the body of regulations governing the board's discharge of its duties and responsibilities and prescribing the privileges and obligations of persons desiring to engage in the home inspection business in Louisiana under the Louisiana State Home Inspectors Licensing Law.

System—a combination of interactive or interdependent components assembled to carry out one or more functions.

Timely Filing—a letter or written communication bearing a United States Post Office mark inscribed with the date a filing or report is due at the board's office. Any report or materials for filing bearing the canceled postal mark received on the next business day following the due date are presumed timely filed. Any report or materials for filing received after that time may be deemed timely filed only if evidenced by a return receipt or proof of mailing bearing the due date.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:1473 and R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2739 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1686 (August 2004).

§111. Licensing

A. Beginning January 1, 2001, no person shall engage in or conduct, or advertise or hold himself out as engaging in or conducting the business of, or acting in the capacity of, a home inspector within the state without first obtaining a license from the board.

B. No license to conduct business as a home inspector shall be issued to a corporation, limited liability company, partnership, firm, or group. The individually licensed

inspectors, whether operating a business as a sole proprietorship or working for a company or corporation, shall be ultimately responsible for compliance with these Rules, including, but not limited to:

1. payment of all applicable fees;
2. proper retention of records; and
3. all other obligations as prescribed by these rules.

C. Licensing shall be governed by §§113 and 115.

D. All legal persons, business associations or related endeavors whose owners, shareholders, members, or other persons holding a proprietary interest in the endeavor who currently or formerly employ a licensed home inspector or an individual whose activities may be subject to the law or the rules shall permit the inspector or individual to retain copies of all related records of these activities. They shall be provided to the board upon its request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1477 and R.S. 37:1479.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2740 (December 2000).

§113. Qualifications for Licensure and Application

A. Applicants must have:

1. attained the age of 18 years;
2. successfully completed high school or its equivalent/GED;
3. passed the required training and licensing examinations, unless exempt under §119.C;
4. paid the appropriate fees;
5. submitted an application for licensure on board prescribed forms which shall conform to these rules;
6. proof of insurance as required by these rules; and
7. not had a license revoked or suspended by the home inspector licensing authority of another state.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:1475-1477 and R.S. 37:1479.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2740 (December 2000).

§115. Licensing Applications; Forms; Terms; Renewals; Inactive Status

A. Initial home inspector license applications are to be made on approved forms supplied by the board. Each applicant shall complete all Chapters of the application. The application shall also be notarized and accompanied by two current passport sized photographs of the applicant. The application shall contain the applicants Social Security number, however, the number shall be deleted or blackened out from any public record.

B. All requirements for issuance of a home inspector license, including passing the board approved licensing examination, must be met within one year of the date of application. Applications over one year old will be discarded and a new application and fee will be required.

C. Upon application for licensure of inspectors actively engaged in home inspections prior to January 1, 2001, and upon license renewal of all inspectors, the applicant shall submit a copy of a completed inspection report form. All client information, including name and address, shall be deleted from the form. Reports must comply with §123.

D. Licenses shall be renewed on an annual basis. Licenses shall expire one year after the last day of the month of issuance of the preceding year. Renewal requests shall be made on approved renewal application forms supplied by the board and must be received at least two weeks prior to the expiration date of the current license. Each applicant shall complete all Chapters of the renewal application.

E. Any licensee who fails to timely renew his license may thereafter obtain renewal upon by filing a renewal application and upon paying the appropriate renewal and delinquent fees. The period for delinquent renewal of an expired license shall be limited to the six-month period immediately following the expiration date of the active license. Failure to renew an expired license during such six-month period shall result in the forfeiture of renewal rights and shall require the former licensee to apply as an initial applicant and meet all requirements of an initial applicant. Any inspection during an expiration period is considered a violation and subject to disciplinary action by the board.

F. A licensee may hold inactive status by maintaining license renewals and continuing education requirements, but all insurance requirements are waived provided no home inspections are performed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475-1477, and R.S. 37:1479.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2740 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1687 (August 2004).

§117. Fees; Submission of Report Fees; Timeliness of Filings

A. Fees charged by LSBHI are as follows.

1. Application for license	\$200
2. License renewal	\$100
3. Delinquent renewal (for home inspectors only)	\$100
4. Initial qualifying/continuing education provider	\$200
5. Annual renewal for education provider	\$200
6. Filing for additional course offerings	\$ 50
7. Inspection report	\$ 5

B. Each home inspection performed by an inspector under this law shall be subject to a \$5 state inspection fee per home inspection. This fee is to be made payable to the LSBHI and is to be remitted monthly in the following manner.

1. A reporting form, approved by the board, must be filed by the fifteenth day of the month following the inspection. The form shall list the inspections performed and total fees due.

2. Payment must be made by the fifteenth day of each month following the inspection. Payment is considered current if post marked by the fifteenth day. When the fifteenth day of any month falls on a legal holiday, reports are due on the next business day. Reports are timely if they bear a United States Post Office mark or cancellation. Reports bearing the postal mark received on the next business day after that time may be deemed timely filed only if evidenced by a return receipt or proof of mailing bearing the due date.

3. Failure to report and/or pay inspection report fees, if fees are due, can result in suspension of license, fine, or both.

4. The board may inspect any licensees records to insure compliance with the licensees obligation to submit reports and remit fees. The failure of a licensee to cooperate with the board's reasonable request for said inspection shall constitute a violation of these Rules.

C. The board may charge any additional fee or any additional charge not listed in this schedule as may be provided for under other law or regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475-1477, and R.S. 37:1479.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2740 (December 2000).

§119. Education/Training and Testing; Initial Licensure; Waiver

A. Beginning January 1, 2000, initial applicants for licensure must pass an LSBHI approved licensing examination, regarding home inspection information, techniques, standards of practice, and code of ethics, except as provided under §119.C.

B. Beginning July 1, 2001, any person filing an initial application for licensure shall present evidence to the board that they have satisfactorily completed at least 120 hours of required home inspection training course(s) by a training provider approved by the board.

1. Thirty hours of the required instruction shall be obtained in the field and be supervised by a licensed home inspector who is a certified training provider approved by the board. The applicant shall be given credit hours for each supervised home inspection attended in accordance with §120. The remainder of the instruction must be classroom hours of home inspection class work approved by the board.

2. Satisfactory completion of course work includes attendance of specified hours and passage of an examination on course contents.

C. For initial licensure only, the above training and licensing examination requirements for initial licensure may be waived by the board through accumulated home inspection field experience as follows:

1. if an applicant demonstrates that he has been actively engaged in the business of conducting home inspections after January 1, 1995 for any consecutive 12-month period before January 1, 2000, a license can be

issued without meeting the education/training and testing requirements. To be considered actively engaged, the applicant must provide proof of performing an average of five inspections per month during this 12-month period, which inspections meet or exceed the standards established in the law and in these rules. To be eligible, the following requirements must be met:

a. application must be received before July 1, 2001;

b. a copy of a completed inspection report form for an inspection performed after January 1, 1995, and prior to January 1, 2000, bearing the signature of the applicant as the inspector of the home, to serve as proof that the applicant is entitled to the examination waiver, must be submitted with the application;

c. upon request by the board, a list of inspections referred to in Subsection C.1 and/or a list of the clients served, which lists must be certified under oath as performed by the applicant, must be submitted for examination by the board. The list(s) shall be considered confidential and not subject to disclosure;

d. all other requirements including continuing education for license renewal listed in §118 must be met;

2. for home inspectors beginning their business after January 1, 2000:

a. if initial application is received before July 1, 2001, all requirements of §119.A above will apply;

b. if initial application is received after July 1, 2001, all requirements of §119.A and B will apply;

c. all other requirements, including continuing education for license renewal listed in §120 must be met;

3. the board shall publish notice of all license waiver requests and final actions relating to the requests in its bulletin;

4. the board shall consider and approve or reject all licensure requests for waiver at its board meetings.

D. The board shall adopt and approve a licensing examination, which may be administered by a nationally accepted testing service as determined by the board.

E. The board shall review examination material relative to the adoption and approval of licensing examinations. The board shall have complete authority to enter into confidentiality agreements which prohibit the public dissemination of information pertaining to review of questions or materials, including any questions or materials certified as proprietary by the person or facility submitting them for evaluation. Any person or testing facility submitting evaluation materials for review, certification, or otherwise, conveys and assigns to the board a right of limited use and license solely for use in the certification process and any related inquiry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475-1477, R.S. 37:1479-1480.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2741 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1687 (August 2004).

§120. Infield Training; Qualifications; Requirements

A. In order to qualify as an infield trainer, an applicant shall:

1. be a LSBHI licensed home inspector for at least three years;
2. pay the required infield trainer fee(s);
3. be current on all other fees;
4. be current on all continuing education hours; and
5. be approved by the board.

B. Infield training shall consist of live training and dead training which are defined as follows:

Live Training—training of up to two trainees performed by an infield trainer holding an active LSBHI license during an actual, fee paid, live home inspection of a resale residential structure.

Dead Training—training of up to four trainees performed under the supervision of an infield trainer holding an active or inactive LSBHI license, at a residential structure where no inspection fee is paid and no inspection report is provided to a client.

C. Infield training shall consist of a combination of live training and dead training. For each live home inspection attended, the trainee will receive 1.5 credit hours. For each hour of dead training attended, the trainee will receive 1 credit hour. The trainee must attend a minimum of 6 live home inspections (9 credit hours) and a minimum of 6 hours of dead training (6 credit hours). The remaining 15 hours of required infield training may be obtained by attending any combination of live and dead training.

D. Prior to admission to an infield training program, the trainee shall complete the required 90 hours of classroom training and pass the licensing exam described in §119.A.

E. Prior to completion of infield training, the trainee shall:

1. prepare a minimum of 10 mock home inspection reports in a format approved by the board that conforms to the requirements of the Standards of Practice;
2. keep all mock home inspection reports for a minimum of three years;
3. complete the board-approved, open book examination of the Standards of Practice and Code of Ethics; and
4. submit the completed examination to the board with his application for licensure.

F. Infield trainers shall provide the trainee with the following:

1. a completed record of training on a form approved by the board;
2. a copy of the Standards of Practice;
3. a copy of the Code of Ethics; and
4. a copy of the board approved examination of the Standards and Code of Ethics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475-1477, R.S. 37:1479-1480.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Home Inspectors, LR 30:1687 (August 2004).

§121. Continuing Education

A. As a condition of license renewal, an inspector must certify completion of at least 20 hours of instruction during the previous licensing period, in courses approved by the board. Board-approved training providers may be given credit for course preparation and other activities as sanctioned by the board in lieu of the continuing education requirements. The board shall fix the amount of course credit to be received upon application by an instructor. No more than 10 hours of continuing education credit may be carried over into the following year.

B. Repetition of Courses

1. The same continuing education course may be taken only once for continuing education credit during any three year period, unless otherwise approved by the board.

2. For each license period the board may specify mandatory subject matter for one course, such course to be not less than two nor more than four credit hours. The remaining courses shall be elective courses covering subject matter to be chosen by the licensee and meeting all other criteria specified in this Chapter.

3. Each course shall comprise of at least one credit hour.

C. Attendance Requirements

1. In order to receive credit for completing a continuing education course, a licensee must attend at least 90 percent of the scheduled classroom hours for the course, regardless of the length of the course.

D. Denial or Withdrawal of Credit

1. The board shall deny continuing education credit claimed by a licensee, and shall withdraw continuing education credit previously awarded by the board to a licensee if:

- a. the licensee unintentionally provided incorrect or incomplete information to the board concerning continuing education or compliance with this Section; or
- b. the licensee was mistakenly awarded continuing education credit because of an administrative error; or
- c. the licensee failed to comply with the attendance requirement established by Paragraph C of this Section.

2. When continuing education credit is denied or withdrawn by the board under Subsection D of this Section, the licensee remains responsible for satisfying the continuing education requirement. Any license may be suspended until proof of compliance is submitted.

E. It is the duty of every licensee to provide proof of compliance with continuing education requirements on a timely basis. In order to receive credit from the board for completion of continuing education courses under this

Section, proof of compliance must be submitted on forms approved by the board and prepared by board approved training providers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1477, and R.S. 37:1479-1480.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2742 (December 2000).

§123. Home Inspection Reports; Consumer Protection

A. All home inspection reports shall comply with all requirements as set forth in the Standards of Practice, these Rules and the Law.

B. A copy of the Standards of Practice and Code of Ethics of Home Inspectors shall be provided to every client or his authorized agent, before services are rendered. When this is not practical, copies shall be attached to every completed home inspection report.

C. The board may review any home inspection report and require any change(s) as necessary to comply with Subsections A and B above.

D. Refusal to comply with this Section shall constitute cause for disciplinary action resulting in license revocation, suspension, fine or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475-1477 and R.S. 37:1479-1480.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2742 (December 2000).

§125. Home Inspectors Record Keeping; Inspection; Production Retention

A. It shall be the responsibility of the licensed home inspector to maintain adequate records at all times in compliance with the provisions of the board's rules.

B. Records shall be made available, upon reasonable request, to the board's representatives during normal business hours. The licensee shall have the right for a board production request to be made in writing on board stationery. The failure of a licensee to maintain adequate records or the failure to furnish copies of such records within 72 hours notice shall constitute a violation of this rule.

C. Records shall be kept for three years from the day the inspection report was provided to the client. Any report questioned by the board or any legal entity shall be retained for a period of five years from the date the inquiry was received by the licensee.

D. To facilitate compliance with record keeping requirements of this Section, copies of all home inspectors reports performed by a licensee shall be provided to the licensee upon any separation from employment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2742 (December 2000).

§127. Insurance

A. All active, practicing licensed home inspectors shall carry errors and omissions insurance as well as general liability insurance.

1. The LSBHI will establish and/or approve an association or associations for the purposes of availing its licensees to the benefits of group insurance rates. The board shall establish the terms and conditions of coverage, including but not limited to the permissible deductibles and permissible exemptions. Licensees shall have the option of obtaining insurance independently of the approved association or associations that complies with the coverage requirements established by the board.

2. Each licensee shall be notified of the required terms and conditions of coverage for the annual policy at least 30 days prior to the annual renewal date. If the required terms and conditions have not been modified from the previous years policy, the terms and conditions for the pervious year shall apply and the licensee shall not be so notified.

B. Each licensee who chooses not to participate in the group insurance association approved by the board shall file with the board a certificate of coverage showing compliance with the required terms and conditions of insurance coverage by the inspectors annual license renewal date. The certificate, notice of cancellation, renewal or suspension shall be provided to the board directly by the insurance company.

C. Insurance coverage requirements are as follows:

1. errors and omissions insurance:
 - a. minimum coverage \$300,000 per year;
 - b. maximum deductible \$5,000;
2. general liability insurance:
 - a. minimum coverage \$300,000 per year;
 - b. maximum deductible \$5,000.

D. Every licensee shall provide to his clients or the board's representatives proof of all insurance in force upon request.

E. Upon cancellation of any insurance where a gap in coverage may occur, the licensee shall immediately inform the board. When replacement coverage is obtained, evidence shall be immediately transmitted to the board.

F. Failure to maintain insurance is grounds for license revocation, non-renewal or other disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1477 and R.S. 37:1485.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2743 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1688 (August 2004).

§129. Reciprocity

A. If an applicant is licensed as a home inspector in another state in which laws, rules and testing standards are similar to, but in no case less stringent than, those of the LSBHI, and the applicant is in good standing with that

licensing authority, then that state's license may be accepted as evidence of the applicant's experience and training. However, the applicant shall have satisfactorily completed an examination from a testing agency approved by the board, and shall pay all applicable fees as well as comply with the Louisiana Home Inspector Licensing Law and LSBHI administrative code. Applicants seeking reciprocity shall certify under oath that they are in good standing in any state where a license is held. The board may make inquiries of the licensing authority concerning the applicant and respond to similar requests from other licensing authorities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1484.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2743 (December 2000).

§131. Exemptions from Licensure

A. Certain individuals, when acting within the scope of their profession or license, are exempt from licensure requirements when performing inspections within their licensed profession or trade. Those individuals are:

1. persons licensed by the state as professional engineers when acting within the scope of their license;
2. persons licensed by the state as architects when acting within the scope of their license;
3. persons licensed by the state or any political subdivision as electricians when acting within the scope of their license;
4. persons licensed by the state or any political subdivision as plumbers when acting within the scope of their license;
5. persons licensed by the state or any political subdivision as heating and air conditioning technicians when acting within the scope of their license;
6. persons licensed by the state as real estate brokers or real estate sales persons when acting within the scope of their license;
7. persons licensed by the state as real estate appraisers, certified general appraisers, or residential real estate appraisers when acting within the scope of their license;
8. persons licensed by the state as pest control operators when acting within the scope of their license;
9. persons regulated by the state as insurance adjusters when acting within the scope of their profession;
10. persons who are employed as code enforcement officials by the state or any political subdivision when acting within the scope of their employment by such governmental entity;
11. persons licensed by the state or any political subdivision as contractors when acting within the scope of their license;

12. persons certified by the state or any political subdivision as certified energy raters when acting within the scope of their certification;

13. persons who perform warranty evaluations of components, systems, or appliances within resale residential buildings for the purpose of issuance of a home warranty agreement, provided that the warranty evaluation report includes a statement that the warranty evaluation performed is not a home inspection and does not meet the standards of a home inspection under Louisiana law. No home warranty company shall refer to a warranty evaluation as a home inspection in any written materials provided by the warranty company.

B. The board may consider and adopt additional exemptions by rule reasonably necessary to clarify and implement the exemptions in the law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1483.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2743 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1688 (August 2004).

§133. Report of Address Changes

A. Every licensee shall report any change in office address, residence address, office phone, or residence phone to the board, in writing, within 15 days of such change. The board shall acknowledge any change, in writing, and shall conform all records accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2744 (December 2000).

§135. Display of License

A. Home inspectors shall be issued both a picture I.D. license and a license certificate.

B. The inspector is to have on their person the picture I.D. license when performing inspections. The picture I.D. license shall be produced upon request of interested parties when conducting an inspection.

C. A license certificate shall be displayed at the licensee's place of business. If the licensee operates from home, it is to be kept in a readily accessible file.

D. All correspondence, inspection reports and advertisements shall identify the licensee with the term *licensed home inspector* along with the license number of the inspector.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2744 (December 2000).

§137. LSBHI Funds; Deposits and Disbursements; Board Members; Reimbursal

A. All board funds received shall be paid to LSBHI through its secretary-treasurer and deposited to the board's operating account established for that purpose. Disbursements made by LSBHI shall be signed by the chairman and the secretary-treasurer. In absence of the chairman or the secretary-treasurer, the vice chairman may sign all documents with the remaining authorized signatory.

B. All fees and moneys received by the board shall be used solely to effectuate the provisions of the law and these rules. Such use may include, but is not limited to expenditures necessary for office fixtures, equipment and supplies and all other charges necessary to conduct the business of LSBHI.

C. No board member shall receive a per diem but shall be reimbursed for actual expenses incurred when attending a meeting of LSBHI or any of its committees and for the time spent on behalf of LSBHI on official business not to exceed 10 days in any one month. Each board member shall be reimbursed upon approval of the board as evidenced by voucher for all necessary travel and incidental expenses incurred in carrying out the provisions of the rules of the board. No reimbursement, other than for lawful travel and mileage shall be allowed for attending any regular or special board meetings or for board related activities outside Louisiana. Reimbursement for time spent may be allowed if the board member is engaged in board business in Louisiana for the following, non-exclusive activities: participation as an appointed member of a special investigating entity; inspecting records of persons subject to the law and these Rules; and reviewing and processing applications for licensure unconnected with preparation for a board meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1474-1475, and R.S. 37:1489.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2744 (December 2000).

§139. Prohibited Acts: Penalties and Costs

A. The board may suspend or revoke any license, or censure, fine, or impose probationary or other restrictions on any licensee for good cause shown which shall include but not be limited to the following:

1. conviction of a felony or the entering of a plea of guilty or nolo contendere to a felony charge under the laws of the United States or any other state;
2. deceit or misrepresentation in obtaining a license;
3. providing false testimony before the board;
4. efforts to deceive or defraud the public;
5. professional incompetence or gross negligence;
6. rendering, submitting, subscribing, or verifying false, deceptive, misleading, or unfounded opinions or reports;

7. violating any rule or regulation adopted by the board or any provision of these rules or the law;

8. aiding or abetting a person to evade the provisions of this Chapter or knowingly combining or conspiring with an unlicensed person with the intent to evade the provisions of these rules or the law;

9. violating any Standard of Conduct adopted by the board;

10. engaging in conduct or advertising or holding oneself out as engaging in or conducting the business or acting in the capacity of a home inspector without possessing a valid license;

11. falsely representing oneself as being the holder of a valid license by using the title "licensed home inspector" or any title, designation, or abbreviation deceptively similar or likely to create the impression that such person is licensed.

B. The board may fine any applicant or any member of the public for good cause shown, for activities which include, but are not limited to, the following:

1. aiding or abetting a person to evade the provisions of this Chapter or knowingly conspiring with an unlicensed person with the intent to evade the provisions of this Chapter;

2. engaging in conduct or advertising or holding oneself out as engaging in or conducting the business or acting in the capacity of a home inspector without possessing a valid license.

3. falsely representing oneself as being the holder of a valid license by using the title "licensed home inspector" or any title, designation, or abbreviation deceptively similar or likely to create the impression that such person is licensed.

C. Violators of any of the provisions of these rules or the law may be fined by the LSBHI in an amount not to exceed \$1,000 per each separate violation.

D. Revocation of a license as a result of disciplinary action by the board may prohibit the re-issuance of a license to such licensee for a period of up to one year from the date of revocation. No license may be granted, renewed or re-issued until any and all fines have been paid. The license of an applicant whose license has been revoked may be reissued by the board upon the successful completion by the applicant of the required examination and upon competent evidence of completion of 20 hours of continuing education as prescribed by the board. A licensee on probation may have his license reinstated upon certification by the board that the licensee is in compliance with the terms of his probation.

E. The board, as a probationary condition or as a condition of a revocation or suspension, may require a licensee to pay all costs of the board proceedings, including but not limited to those expenses related to the services of investigators, stenographers, and attorneys, and any court, agency or board costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1486-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2744 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1688 (August 2004).

§141. Cease and Desist Orders; Injunctive Relief

A. In addition to or in lieu of the criminal penalties and administrative sanctions provided for in the law and these rules, the board may issue an order to any person engaged in any activity, conduct or practice constituting a violation of any provision of these rules an order to cease and desist from such activity, conduct or practice. Such order shall be issued in the name of the state and under the official seal of the board.

B. If the person directed by an LSBHI cease and desist order does not cease and desist the prohibited activity, conduct, or practice within two days of service of such order by certified mail, the board may seek a writ of injunction in any court of competent jurisdiction and proper venue enjoining such person from engaging in the activity, conduct or practice, and recovery of all related costs of the type described in §139.

C. Upon proper showing of the board that such person or firm has engaged in any activity, conduct or practice prohibited by this Chapter, the court shall issue a temporary restraining order restraining the person or firm from engaging in the unlawful activity, conduct or practice, pending hearing on a preliminary injunction. A permanent injunction shall issue after hearing commanding the cessation of the unlawful activity, conduct or practice complained of, all without the necessity of the board having to give bond as usually required in such cases. A temporary restraining order, preliminary injunction or permanent injunction issued enjoining such person or firm shall not be subject to being released upon bond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1488.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2745 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1689 (August 2004).

Chapter 3. Standards of Practice

§301. Minimum Standards

A. This Chapter sets forth the minimum Standards of Practice required of licensed home inspectors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2745 (December 2000).

§303. Definitions

A. The definitions in §109 are incorporated into this Chapter by reference. The following definitions apply to this Chapter.

Alarm System—warning devices, whether installed or free standing, including but not limited to, carbon monoxide

detectors, flue gas and other spillage detectors, security equipment, ejector pumps and smoke alarms.

Automatic Safety Control—devices designed and installed to protect systems and components from unsafe conditions.

Central Air Conditioning—a system that uses ducts to distribute cooled or heated air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and that is not plugged into an electrical convenience outlet.

Cross Connection—any physical connection or arrangement between potable water and any source of contamination.

Dangerous or Adverse Situations—situations that pose a threat of injury to the inspector, or those situations that require the use of special protective clothing or safety equipment.

Describe—to report, in writing, a system or component by its type, or other observed characteristics, to distinguish it from other systems or components.

Dismantle—to take apart or remove any component, device or piece of equipment that is bolted, screwed, or fastened by other means, that would not be taken apart by a homeowner in the course of normal household maintenance.

Enter—to go into an area to observe all visible components.

Functional Drainage—a drain is functional when it empties in a reasonable amount of time and does not overflow when another fixture is drained simultaneously.

Functional Flow—a reasonable flow at the highest fixture in a dwelling when another fixture is operated simultaneously.

Further Evaluation—examination and analysis by a qualified professional or service technician whose services and qualifications exceed those provided by a home inspector.

Inspect—to examine readily accessible systems and components of a building in accordance with the Standards of Practice, using normal operating controls and opening readily open able access panels.

Installed—attached such that removal requires tools.

Normal Operating Controls—devices such as thermostats, switches, or valves intended to be operated by the homeowner.

Observe—the act of making a visual examination.

On-Site Water Supply Quality—water quality based on the bacterial, chemical, mineral and solids contents of the water.

On-Site Water Supply Quantity—water quantity based on the rate of flow of water.

Operate—to cause systems or equipment to function.

Recreational Facilities—spas, saunas steam baths, swimming pools, tennis courts, and exercise, entertainment, athletic, playground or other equipment and associated accessories.

Readily Accessible—available for visual inspection without requiring the moving of personal property, the dismantling, disconnecting, unplugging or destroying of equipment, or any action which may involve a risk to persons or property.

Readily Openable Access Panel—a panel provided for homeowner inspection and maintenance that is within normal reach, can be removed by one person, is not sealed in place and is not blocked by stored items, furniture, or building components.

Representative Number—for multiple identical interior components such as windows and electrical outlets, one such component per room. For multiple identical exterior components, one such component on each side of the building.

Roof Drainage Components—gutters, downspouts, leaders, splash blocks, scuppers, and similar components used to carry water off a roof and away from a building.

Shut Down—a state in which a system or component cannot be operated by normal user controls.

Significantly Deficient—unsafe or not functioning.

Solid Fuel Heating Device—any wood, coal, or other similar organic fuel burning device, including but not limited to fireplaces whether masonry or factory built, fireplace inserts and stoves, wood stoves (room heaters), central furnaces, and combinations of these devices.

Structural Component—a component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

Technically Exhaustive—an inspection involving the extensive use of measurements, instruments, testing, calculations, or other means used to develop scientific or engineering findings, conclusions, and recommendations.

Under Floor Crawl Space—the area within the confines of the foundation between the ground and the underside of the lowest floor structural component.

Unsafe—a condition of a readily accessible, installed system or component which, in the opinion of the inspector, is judged to be a significant risk of personal injury or property damage during normal use or under the circumstances.

Wiring Methods—manner or general type of electrical conductors or wires installed in the structure such as non metallic sheath cable, armored cable, knob and tube, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2745 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1689 (August 2004).

§305. Purpose and Scope

A. The purpose of these Standards of Practice is to establish a minimum and uniform standard for Louisiana state licensed home inspectors. Home inspections performed pursuant to these Standards of Practice are intended to provide the client with information regarding the condition of the systems and components of the home as observed at the time of inspection.

B. Home inspectors shall:

1. provide the client with a written pre-inspection contract, whenever possible, which shall:

a. state that the home inspection is to be done in accordance with the Standards of Practice of the Louisiana State Board of Home Inspectors;

b. describe what inspection services will be provided and their cost;

c. state that the inspection is limited to only those systems or components agreed upon by the client and the inspector; and

d. contain copies of the Standards of Practice and Code of Ethics;

2. inspect readily accessible installed systems and components listed in this Chapter and/or as contractually agreed upon;

3. submit a written report to the client within five days of the inspection which shall:

a. describe those systems specified to be described in §§311-329, and/or as contractually agreed upon;

b. state which systems designated for inspection in this Section have been inspected, and state any systems or components designated for inspection that were not inspected, and the reason for not inspecting;

c. state any systems or components so inspected that, in the professional opinion of the inspector, are significantly deficient;

d. state the name, license number, and contain the signature of the person conducting the inspection.

C. This Chapter does not limit home inspectors from:

1. reporting observations and conditions or rendering opinions of items in addition to those required in Subsection B of this rule;

2. excluding systems and components from the inspection, if requested by the client and so stated in the written contract;

3. inspecting systems and components in addition to those required by these Standards of Practice; or

4. specifying needed repairs, provided that the inspector is appropriately qualified to make such recommendation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2746 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1690 (August 2004).

§307. General Limitations

A. Home inspections done in accordance with this Chapter are visual and are not technically exhaustive.

B. This Chapter applies to residential resale buildings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2746 (December 2000).

§309. General Exclusions

A. Home inspectors are not required to inspect or report on:

1. life expectancy of any component or system;
2. the causes of any condition or deficiency;
3. the methods, materials, and costs of corrections;
4. the suitability of the property for any specialized use;
5. compliance or non-compliance with codes, ordinances, statutes, regulatory requirements, special utility, insurance or restrictions;
6. any component or system that was not inspected and so stated in the home inspection report or pre-inspection agreement;
7. the presence or absence of any suspected or actual adverse environmental condition or hazardous substance, including but not limited to toxins such as asbestos, radon and lead, carcinogens, noise, contaminants in the building or in soil, water, and air;
8. decorative or cosmetic items, underground items, or items not permanently installed;
9. hidden, concealed or latent defects;
10. items not visible for inspection including the condition of systems or components which are not readily accessible; or
11. future conditions, including but not limited to, the likelihood of failure or the expected life of systems and components.

B. Home inspectors are not required to:

1. offer warranties or guarantees of any kind;
2. calculate or determine the strength, adequacy, or efficiency of any system or component;
3. enter the under-floor crawl spaces, attics, or any area which, in the opinion of the home inspector, is not readily accessible;
4. operate any system or component that is shut down or otherwise inoperable;

5. operate any system or component that does not respond to normal operating controls;

6. disturb insulation, move personal items, panels, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility;

7. determine the effectiveness of any system installed to control or remove suspected hazardous substances;

8. project operating costs of components;

9. evaluate acoustical characteristics of any system or component;

10. inspect special equipment or accessories that are not listed as components to be inspected in this Chapter;

11. operate shut-off valves;

12. inspect detached structures, other than garages and carports;

13. inspect common elements or areas in multi-unit housing, such as condominium properties or cooperative housing;

14. dismantle any system or component, except as specifically required by these Standards of Practice.

C. Home inspectors shall not:

1. offer or perform any act or service contrary to law;
2. report on the market value of the property or its marketability;
3. report on the advisability or inadvisability of purchase of the property;
4. report on any component or system that was not inspected;
5. report on the presence or absence of pests such as wood damaging organisms, rodents or insects. However, the home inspector may advise the client of damages to the building and recommend further inspection by a licensed wood destroying insect inspector;
6. from the time of the inspection through the date of the closing, advertise or solicit to perform repair services or any other type of service on the home upon which he has performed a home inspection; or
7. perform any other type of inspection or other type of services on the home, unless contracted to do so prior to the date of the inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1478.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2746 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1690 (August 2004).

§311. Structural Systems

A. The home inspector shall inspect structural components including:

1. foundation;
2. framing; and
3. columns or piers.

B. The home inspector shall describe the type of:

1. foundation;
2. floor structure;
3. wall structure;
4. columns;
5. piers;
6. ceiling structure; and
7. roof structure.

C. The home inspector shall:

1. probe structural components only where deterioration is visible, except where probing would damage any surface;
2. enter readily accessible under floor crawl spaces, basements, and attic spaces and, if applicable, report the reason why an area was not readily accessible;
3. report the methods used to inspect or access under floor crawl spaces and attics; and
4. report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2747 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004).

§313. Exterior System

A. The home inspector shall inspect:

1. wall cladding, flashings and trim;
2. all doors and windows;
3. storm doors and windows;
4. decks, balconies, stoops, steps, porches, and applicable railings;
5. eaves, soffits, and fascias where visible from the ground level; and
6. vegetation, grading, drainage, driveways, patios, walkways, and retaining walls with respect to their effect on the condition of the building.

B. The home inspector shall:

1. describe wall cladding materials;
2. operate all entryway doors;
3. report whether or not any garage door operator will automatically reverse or stop and whether the operator is equipped with a pressure sensitive reverse feature.

C. The home inspector is not required to inspect:

1. storm windows, storm doors, screening, shutters, awnings, and similar seasonal accessories;
2. fences;

3. presence of safety glazing in doors and windows;
4. garage door operator remote control transmitters;
5. geological conditions;
6. soil conditions;

7. recreational facilities (including spas, saunas, steam baths, swimming pools, tennis courts, playground equipment, and other exercise, entertainment or athletic facilities);

8. detached buildings or structures other than garages and carports;

9. presence or condition of buried fuel storage tanks.

10. sea walls, break walls or docks; or

11. erosion control and earth stabilization measures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2747 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004).

§315. Roofing System

A. The home inspector shall inspect:

1. roof coverings;
2. roof drainage systems;
3. flashings;
4. skylights, chimneys, and roof penetrations; and
5. signs of leaks or abnormal condensation on building components.

B. The home inspector shall:

1. describe the type of roof covering materials; and
2. report the methods used to inspect and access the roofing system and any limitations.

C. The home inspector is not required to:

1. walk on the roofing; or
2. inspect interiors of flues or chimneys which are not readily accessible; or
3. inspect attached accessories including but not limited to solar systems, antennae, and lightening arrestors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2747 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004).

§317. Plumbing System

A. The home inspector shall inspect:

1. water supply and distribution systems, including:
 - a. piping materials, supports, insulation;
 - b. fixtures and faucets;

- c. functional flow;
- d. visible leaks; and
- e. cross connections;

2. interior drain, waste and vent system, including: traps, drain, waste, and vent piping; piping supports and pipe insulation; leaks, and functional drainage;

3. hot water systems including: water heating equipment; normal operating controls; automatic safety controls; and chimneys, flues and vents;

4. fuel storage and distribution systems including interior fuel storage equipment, supply piping, venting, and supports; leaks; and

5. sump pumps, drainage sumps, and related piping.

B. The home inspector shall describe:

- 1. water supply and distribution piping materials;
- 2. drain, waste and vent piping materials;
- 3. water heating equipment; and
- 4. location of main water supply shutoff device.
- 5. the location of main gas supply shutoff device.

C. The home inspector shall operate all plumbing and plumbing fixtures, including their faucets and all exterior faucets attached to the house, except where the flow end of the faucet is connected to an appliance or winterized equipment.

D. The home inspector is not required to:

- 1. determine the effectiveness of anti-siphon devices;
- 2. determine whether water supply and waste disposal systems are public or private;
- 3. operate automatic safety controls;
- 4. operate any valve except water closet flush valves, fixture faucets, and hose faucets;
- 5. determine whether the system is properly sized or utilizes proper materials;
- 6. inspect:
 - a. water conditioning systems;
 - b. fire and lawn sprinkler systems;
 - c. on-site water supply quantity and quality;
 - d. on-site waste disposal systems;
 - e. foundation irrigation systems;
 - f. spas;
 - g. swimming pools;
 - h. solar water heating equipment; or
 - i. wells, well pumps, or water storage related equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2747 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004).

§319. Electrical System

A. The home inspector shall inspect:

1. service drop and entrance conductors cables and raceways;

2. service equipment, main disconnect device, main and sub-panels, interior panel components, and service grounding;

3. branch circuit conductors, their overcurrent devices, and their compatibility;

4. the operation of a representative number of installed ceiling fans, lighting fixtures, switches and receptacles;

5. the polarity and grounding of all receptacles; and

6. the operation of ground fault circuit interrupters.

B. The home inspector shall describe:

1. service amperage and voltage;

2. wiring methods employed; and

3. the location of main and distribution panels.

C. The home inspector shall report any observed solid conductor aluminum branch circuit wiring for 120 volt circuits.

D. The home inspector shall report on the presence or absence of smoke detectors, and operate their test function, if accessible, except when detectors are part of a central system.

E. The home inspector is not required to:

1. insert any tool, probe, or testing device inside the panels;

2. test or operate any overcurrent device except ground fault circuit interrupters;

3. dismantle any electrical device or control other than to remove the dead front covers of the main and auxiliary distribution panels; or

4. inspect:

a. low voltage systems;

b. security system devices, heat detectors, carbon monoxide detectors or smoke detectors;

c. telephone, security, cable TV, intercoms, or other ancillary wiring that is not part of the primary electrical distribution system; or

d. remote controlled device unless the device is the only control device; or

5. measure amperage, voltage or impedance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2748 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004).

§321. Air Conditioning and Heating

A. The home inspector shall inspect permanently installed air conditioning and heating systems including:

1. heating, cooling and air handling equipment installed through the wall;
2. normal operating controls;
3. chimneys, flues, and vents, where readily accessible;
4. solid fuel heating devices, including fireplaces;
5. air distribution systems including fans, pumps, ducts and piping, with associated supports, insulation, air filters, registers, radiators, fan coil units, convectors; and
6. the presence of an installed heat and/or cooling source in each habitable room.

B. The home inspector shall describe:

1. energy sources; and
2. the heating and cooling methods by their distinguishing characteristics.

C. The home inspector shall operate the systems using normal operating controls.

D. The home inspector shall open readily openable access panels provided by the manufacturer or installer for routine homeowner maintenance.

E. The home inspector is not required to:

1. operate heating systems when weather conditions or other circumstances may cause equipment damage;
2. operate automatic safety controls;
3. inspect or operate air duct dampers; or
4. inspect:
 - a. heat exchangers;
 - b. humidifiers;
 - c. dehumidifiers;
 - d. electronic air filters; or
 - e. the uniformity, adequacy or balance of heat or cooling supply to habitable rooms;
 - f. solar space heating systems;
 - g. components of solid fuel heating devices, such as firescreens and doors, seals and gaskets, automatic fuel feed devices, mantles and fireplace surrounds, combustion make-up air devices, heat distribution assists, whether gravity controlled or fan assisted; or
 - h. ignite or extinguish fires, determine draft characteristics, or move fireplace inserts, stoves or fireboxes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2748 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1692 (August 2004).

§325. Interior System

A. The home inspector shall inspect:

1. walls, ceiling, and floors;
2. steps, stairways, balconies, and railings;
3. countertops and a representative number of cabinets and drawers; and
4. all doors and a representative number of windows; and
5. garage doors and electronic beam safety reserve features.

B. The home inspector shall:

1. operate a representative number of windows and interior doors; and
2. report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components.

C. The home inspector is not required to inspect:

1. paint, wallpaper, and other finish treatments on the interior walls, ceilings, and floors;
2. carpeting; or
3. draperies, blinds, or other window treatments;
4. interior recreational facilities; or
5. garage door operator pressure sensitive reverse failure devices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2749 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1692 (August 2004).

§327. Insulation and Ventilation System

A. The home inspector shall inspect:

1. insulation and vapor retarders in unfinished spaces;
2. ventilation of attics and foundation areas;
3. kitchen, bathroom, and laundry venting system; and
4. the operation of any readily accessible attic ventilation fan, and, when temperature permits, the operation of any readily accessible thermostatic control.

B. The home inspector shall describe:

1. insulation and vapor retarders in unfinished spaces; and
2. absence of insulation in unfinished space at conditioned surfaces.

C. The home inspector is not required to report on:

1. concealed insulation and vapor retarders; or
2. venting equipment that is integral with household appliances.

D. The home inspector is not required to:

1. disturb insulation or vapor retarders; or
2. determine indoor air quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2749 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1692 (August 2004).

§329. Built-In Kitchen Appliances

A. The home inspector shall inspect and operate the basic functions of the following appliances:

1. permanently installed dishwasher; through its normal cycle;
2. range, cook top, and permanently installed oven;
3. trash compactor;
4. garbage disposal;
5. ventilation equipment or range hood; and
6. permanently installed microwave oven;
7. any other built-in appliance.

B. The home inspector is not required to inspect:

1. clocks, timers, self-cleaning oven function, or thermostats for calibration or automatic operation;
2. non built-in appliances such as clothes washers and dryers; or
3. refrigeration units such as freezers, refrigerators and ice makers;
4. central vacuum system.

C. The home inspector is not required to operate:

1. appliances in use; or
2. any appliance that is shut down or otherwise inoperable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2749 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1692 (August 2004).

Chapter 5. Code of Ethics

§501. Code of Ethics

A. Purpose. Integrity, honesty, and objectivity are fundamental principles embraced by this Code of Ethics, which sets forth the obligations of ethical conduct for the Licensed Home Inspector (LHI). The Louisiana State Board

of Home Inspectors (LSBHI) has enacted this Code to provide high ethical standards to safeguard the public and the profession. LHIs in Louisiana shall comply with this Code, shall avoid association with any enterprise whose practices violate this Code, and shall strive to uphold, maintain, and improve the integrity, reputation, and practice of the home inspection profession.

B. Ethical Obligations

1. The LHI shall avoid conflicts of interest or activities that compromise, or appear to compromise, professional independence, objectivity, or inspection integrity.

2. The LHI shall not inspect properties for compensation in which he has or expects to have, a financial interest.

3. The LHI shall not inspect properties under contingent arrangements whereby any compensation or future referrals are dependent upon reported or non-reported findings or on the sale of a property.

4. The LHI shall not directly or indirectly compensate realty agents, brokers or companies, or other parties having a financial interest in the closing/settlement of real estate transactions, for the referral of inspections or for inclusion on a list of recommended inspectors, preferred providers, or similar arrangements.

5. The LHI shall not receive compensation from more than one party per inspection unless agreed to by the client(s).

6. The LHI shall not accept compensation, directly or indirectly, for referring or recommending contractors, services, or products to inspection clients or other parties having an interest in inspected properties, unless disclosed and scheduled prior to the home inspection.

7. The LHI shall not repair, replace or upgrade for compensation, reported deficient systems or components covered by these Standards of Practice, until after closing/settlement of the real estate transaction.

8. The LHI shall act in good faith toward each client and other interested parties.

9. The LHI shall perform services and express opinions based upon genuine conviction and only within his areas of education, training or experience.

10. The LHI shall be objective in his reporting and shall not knowingly understate or overstate the significance of observed conditions.

11. The LHI shall not disclose inspection results or a clients personal information without approval of the client or the clients designated representative. At his discretion, the LHI may disclose immediate safety hazards observed to occupants, or interested parties, exposed to such hazards.

12. The LHI shall avoid activities that may harm the public, discredit himself or reduce public confidence in the profession.

13. The LHI shall not disseminate or distribute advertising, marketing, or promotion materials which are fraudulent, false, deceptive, or misleading with respect to the education, experience, or qualifications of the LHI or the company with which he is affiliated.

14. The LHI shall include his license number on all advertising, marketing and promotional material.

15. The LHI shall report substantial and willful violations of this Code to the LSBHI.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2749 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1693 (August 2004).

Chapter 7. Disciplinary Actions

§701. Definitions

A. The following definitions are used in this Chapter. The definitions in the law and these Rules are incorporated into Chapter 4, Chapter 5, and Chapter 6 by reference.

File or Filing—to place the document or item to be filed into the care and custody of the board. The board shall note thereon the filing date. All documents filed with the board, except exhibits, shall be filed in duplicate on letter size 8" by 11" paper.

Party—the board, the licensee, and/or any other person who has an administratively cognizable interest in a particular board proceeding.

Service—personal delivery or, unless otherwise provided by law or rule, delivery by certified mail through the United States Postal Service, return receipt requested, addressed to the person to be served at his or her last known address. A Certificate of Service shall be appended to every document requiring service under these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1693 (August 2004).

§703. Complaints

A. Anyone with knowledge that a licensee or member of the public is or has been engaged in any conduct proscribed by the law or these rules, may file a written complaint with the board against that person.

B. An information memorandum approved by the board containing instructions for filing a complaint shall be mailed to anyone requesting such information from the board and shall be made available on the board's official website.

C. The complaint shall specifically identify the licensee or member of the public and describe the misconduct.

D. The complaint shall refer to specific violations of the board's rules or of the law. If the complaint involves violations of the Standards of Practice that the licensee did

not observe or report, a list of those items must be submitted with the complaint. A copy of any documentation supporting the allegations shall be filed with the complaint, if available, including but not limited to, the pre-inspection agreement, the inspection report, and any reports made by any other consultant.

E. The complaint shall be in writing, signed by the complainant, and dated. The complaint shall include the complainant's mailing address, a daytime phone number at which the complainant may be reached, and the street address of the structure made the basis of the complaint, if applicable.

F. The board shall not consider complaints against those performing services that are under the jurisdiction of other regulatory agencies or licensing boards, such as, wood destroying insect inspections, appraisals, or services rendered by licensed architects, engineers, or general contractors, unless the persons rendering those services are licensed home inspectors or hold themselves out as, or engage in the business of, a home inspector.

G. Based upon a review of the records of the board kept in the ordinary course of business, the Chief Operating Officer of the board may initiate a complaint against a licensee based upon the licensee's delinquency or failure to make timely payment of fees, fines or assessments or upon the licensee's failure to comply with reporting requirements, continuing education requirements, insurance requirements, or other requirements of the licensee. In all such cases, the Chief Operating Officer shall send the licensee notification by certified mail specifically outlining the delinquency or violation, including any amounts due. The licensee shall either, pay any fees due, comply with any requirements stated or respond, in writing, within 14 days receipt of the notice disputing the claim or amounts due. A licensee's failure to respond within the delays shall be prima facie proof of his noncompliance subjecting the licensee to immediate suspension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1483, R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1693 (August 2004).

§705. Special Investigating Entity

A. For all complaints filed pursuant to §703.A, the board shall appoint a committee, board member, employee, or other qualified licensee to verify whether the allegations listed in the complaint may indicate violations of these Rules, the Standards of Practice, Code of Ethics or the law. This committee, board member, employee or licensee shall be referred to as the "Special Investigating Entity." The chairman may appoint a special investigating entity at any time to commence review of a complaint. This appointment shall be ratified by the board in executive session at its next meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1694 (August 2004).

§707. Investigations; Special Investigating Entity; Board Review

A. Upon receipt of a complaint conforming to this Chapter, the board shall assign a docket number to the complaint and refer it to a special investigating entity.

B. A copy of the complaint shall be served upon the home inspector or member of the public (respondent) in accordance with §707.D. The respondent shall submit a written response to the special investigating entity within two weeks after receipt of the copy of the complaint.

C. The special investigating entity shall make an investigation of the charges. Upon evaluating the complaint and the response of the inspector, it shall prepare a report of its findings within 30 days of the completion of the investigation, and file the report with the board.

D. A copy of the Special Investigating Entity's report shall be mailed to the complainant and to the respondent by certified mail.

E. The report shall state that the complaint either has or lacks sufficient evidence to support the allegations in the complaint.

F. If the report states that the allegations lack sufficient evidence, the special investigating entity shall:

1. advise the complainant and respondent in writing that the evidence was insufficient to support the allegations in the complaint;

2. advise the complainant and respondent that the complaint may be reviewed by the board to determine whether the finding of the special investigating entity is correct;

3. advise the complainant and respondent that the complainant must make a written request for the review by the board within 15 days of mailing, must support the complaint with additional documentation and must set forth specific reasons why the special investigating entity's determination is incorrect.

G. If the complainant makes a written request for review by the board, the board shall review the report and the complainant's documentation. If the board finds that the allegations are unsupported by the evidence, the special investigating entity shall advise the complainant and respondent in writing that the board has concurred with the special investigating entity's conclusion that the complaint lacks sufficient evidence to support the allegations in the complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1485.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1694 (August 2004).

§709. Disciplinary Hearing; Procedure

A. If the special investigating entity's report or the board's review finds that there is sufficient evidence to support the allegations in the complaint, the board shall fix a time and place for a disciplinary hearing and give notice to the licensee and complainant. The disciplinary hearing shall be held in accordance with the adjudication provisions of the Administrative Procedure Act.

B. The notice required under §709.A shall:

1. include a statement of the time, place, and nature of the hearing;

2. include a statement of the legal authority under which the hearing is to be held;

3. include reference to the particular sections of the statutes and rules involved;

4. include a short and plain statement of the matters asserted; and

5. be sent by certified mail.

C. In all contested case hearings before the board, the chairman of the board shall serve as presiding officer. In the absence of the chairman, the vice chairman shall serve as presiding officer, or a presiding officer shall be selected by the board.

D. No board member, committee or employee serving as part of the special investigating entity shall participate in the consideration or decision of the matter or confection of the board's decision, order or opinion. However, any member of the special investigating entity may prosecute the case against the respondent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1485.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2751 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1695 (August 2004).

§711. Pre-Hearing Resolution

A. The board's staff and the licensee or other person against whom a complaint has been brought may attempt to resolve the complaint by means of a consensual agreement. Such consensual agreement may impose upon the respondent penalties or conditions which include, but are not limited to, requiring the licensee to complete additional training or educational courses, placing the inspector on probation, issuing a letter of reprimand, imposing fines of up to \$1,000 per separate violation, and/or suspending or revoking the inspectors license, all as authorized in the law or these rules.

B. The proposed consent agreement shall then be presented to the board at its next meeting. The board may either accept the consent agreement as written, modify the agreement and send it back to the licensee for acceptance, or reject the consent agreement. Accepted agreements shall be filed in the record of the docket.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2751 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1694 (August 2004).

§713. Hearing Procedure; Decision; Notice; Effective Date; Rehearing

A. If no consent agreement is reached, the matter shall be heard by the board at its next regularly scheduled board meeting or special meeting which is to be held not less than 10 days prior to giving notice to all interested parties. The board shall consider the law and the evidence presented or in the record and base its decision accordingly.

B. No attorney, board member or employee serving as the prosecuting officer for the board shall participate in the consideration or formulation of the board's decision, any opinion related thereto, or any procedural matter.

C. The board shall render any final decision or order by majority vote of the board in open session. The date of the decision or order shall be indicated on the decision or order.

1. All parties of record shall receive notice of the board's decision within 30 days of the vote on the matter.

2. A board decision or order may be reconsidered by the board at the next board meeting on its own motion, or on motion by a party of record, for good cause shown pursuant to a written request filed at the board's office within 10 days following the decision date.

D. All parties of record shall receive notice of the board's decision within 30 days of the vote on the matter.

E. A board decision or order may be reconsidered by the board at the next board meeting on its own motion or on motion by a party of record, for good cause shown pursuant to a written request filed at the board's office within 10 days following the decision date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2751 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1695 (August 2004).

Chapter 9. Declaratory Orders

§901. Purpose

A. The purpose of this Chapter is to settle and afford relief from any uncertainty and insecurity with respect to the rules of the board or the law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1471-1489.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2751 (December 2000).

§903. Declaratory Relief

A. The board may declare rights, status, and other legal relations of any interested person whose rights may be affected by the rules of the board or by the law. Any person

whose rights, status, or other legal relations are affected by these rules may have determined any question of construction or validity arising under these rules or the law and obtain a declaration of rights, status or other legal relations thereunder from the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1471-1489.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2751 (December 2000).

§905. Applications; Petitions; Parties

A. An application for declaratory order shall be made on a form provided by the board. The application for declaratory order must include the name, address and telephone number, both business and home, of the person bringing the application for declaratory order, the specific rule or rules at issue, and the specific question directed to the board. The application for declaratory order shall also advise the board of the name, address and telephone numbers of all persons who have or may claim any interest which may be affected by any decision or determination of the board. The board shall docket the application for declaratory order. The board shall provide notice of the application, along with a copy of the application for declaratory order to the person(s) identified who have or may claim an interest affected by any decision or determination of the board. Those persons who have or claim an interest shall confirm same in writing to the board within 15 days from the date of the board's notice containing the application for declaratory order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1471-1489.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2751 (December 2000).

§907. Governing Law

A. When an action is initiated under this Chapter, all proceedings shall be in accordance with the Rules of the board, the Administrative Procedure Act, and other applicable Louisiana law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1471-1489.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2752 (December 2000).

§909. Hearings; Decisions; Rehearing; Time

A. All hearings on applications for declaratory orders filed at least 10 days prior to a scheduled board meeting shall be set for hearing at that meeting unless the board desires the matter be set prior thereto, in which case the parties will be notified of the earlier hearing date, time and place.

B. The board shall render its decision in open session and transmit written confirmation to parties of record within 30 days of its decision.

C. The board may decline to address the question presented and dismiss the application for declaratory order.

D. board decisions may be reconsidered by the board at the next board meeting on its own motion or on the motion of a party of record for good cause shown pursuant to a written request filed at the board office within 10 days following the decision date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1471-1489.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2752 (December 2000).

Chapter 11. Judicial Review

§1101. Judicial Review; Venue; Time

A. Any party of record aggrieved by a final board order or decision in an adjudication, rulemaking or declaratory order shall be entitled to judicial review whether or not application has been made to the board for rehearing. Such judicial review shall be initiated by the filing of a petition

setting forth the objections to the board's decision or order with the Nineteenth Judicial District Court within 30 days of the date of mailing of the final board order or decision as provided for in the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1471-1489 and R.S. 49:964-966.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2752 (December 2000).

§1103. Appeals

A. Any party of record may obtain a review of final judgment of the Nineteenth Judicial District Court by the First Circuit Court of Appeal as provided for in the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1471-1489 and R.S. 49:964-966.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2752 (December 2000).

Title 46
PROFFESIONAL AND OCCUPATIONAL STANDARDS

Part XL. Home Inspectors

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